

NEBRASKA BOARD OF MEDICINE AND SURGERY

MEETING MINUTES

May 6, 2016

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairman, Carl Smith, MD, at 10:02 a.m. on May 6, 2016, in the Lighthouse Room, Country Inn & Suites, 5353 N 27th Street, Lincoln, Nebraska. The following members answered the roll call:

Carl Smith, MD, Chairman
Mark Goodman, MD, Vice-Chair
Todd Stull, MD, Secretary
Merle Henkenius
Judith Scott, DO

Absent: Jeff Howorth
Karen Higgins, MD
Michael Bittles, MD

A quorum was present and the meeting convened.

Also present to participate in the meeting: Kathie Lueke, Program Manager, Kelli Dalrymple, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General, Jeff Newman, Investigator; Russell Fosler, Investigator, Dennis, Scott, Investigator, Carla Cue, Investigator, Kathy Krueger, Investigator, Patricia Lemke, Investigator, Peggy Persell, Program Manager, Investigations Unit; Suzanna Glover-Ettrich, Department Legal Counsel, Anna Harrison, Compliance Monitor, Licensure Unit.

REVIEW OF AGENDA

Adoption of Agenda

Scott moved, seconded by Henkenius, to approve adoption of the agenda. Voting aye: Scott, Stull, Goodman, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

2016 LEGISLATION UPDATE

Dale Mahlman from the Nebraska Medical Association provided an update of legislation bills from the 2016 legislation session. There will be 11 Senators leaving after this session. Dale thanked Dr. Stull for his help and involvement of the PDMP. The annual meeting of the NMA will be on September 16, 2016. Dr. Stull would like the Board to be aware that the PDMP is a big project within DHHS and other agencies and that there will be a summit put on regarding it.

When developing regulations as a result of this legislation, Dr. Smith suggested that consideration be given to what limits may be indicated for a Surgical First Assistant on an invasive procedure such as vein harvesting for cardiac bypass surgery. LB721 Section 11 Subsection 10 states: "Performing other tasks during a surgical procedure delegated by and under the personal supervision of a physician" Would this allow Surgical First Assistants to do anything in the operating room as long as the surgeon dictated it? The Department will work in consultation with DHHS Legal in the development and review of draft regulations.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW

Goodman moved, seconded by Scott, to go into closed session at 10:11 a.m. for the purpose of review of investigational and disciplinary reports and other closed session items as identified on the agenda. Voting aye: Scott, Stull, Goodman, Henkenius and Smith. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

Goodman moved, seconded by Scott, to open the session at 10:56 a.m. Voting aye: Scott, Stull, Goodman, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE

Physician and Osteopathic Physician Application(s)

AGBULOS, GERARD - application for a license to practice medicine and surgery. Scott moved, seconded by Stull, to recommend issuance of license. Voting aye: Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

ALI, MAYSUN - application for a license to practice medicine and surgery. Scott moved, seconded by Stull, to recommend issuance of license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

DAVIS, DEVON - application for a license to practice medicine and surgery. Stull moved, seconded by Scott, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

DOUGHERTY, CHRISTOPHER - application for a license to practice medicine and surgery. Scott moved, seconded by Stull, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

EWNG, CHRISTOPHER - application for a license to practice medicine and surgery. Stull moved, seconded by Scott, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

LALANI, SHAMSUDDIN - application for a license to practice medicine and surgery. Scott moved, seconded by Stull, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

DIAZ, FERNANDO - application for a license to practice medicine and surgery. Stull moved, seconded by Scott, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

MORO-SUTHERLAND, DONNA - application for a license to practice medicine and surgery. Stull moved, seconded by Scott, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

WAIBEL, BRETT - application for a license to practice medicine and surgery. Scott moved, seconded by Stull, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

WALKER, KATHRYN - application for a license to practice medicine and surgery. Stull moved, seconded by Scott, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

ABALOSO, PETER - application for a license to practice medicine and surgery. Stull moved, seconded by Scott, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

REUSSWIG, PETER - application for a license to practice medicine and surgery. Scott moved, seconded by Stull, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

TUNANIDAS-PANTELIS, AMELIA - application for a license to practice medicine and surgery. Stull moved, seconded by Goodman, to recommend issuance of a license pending verification of post-graduate medical training from direct source. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

RAY, SUBIR - application for a license to practice medicine and surgery. Scott moved, seconded by Goodman, to deny issuance of a license based on multiple state discipline actions, marginal CPEP Evaluation and a positive opioid screen that was unexplained. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

ELSNER, CLAUDIA - application for a license to practice medicine and surgery. Stull moved, seconded by Goodman, to recommend issuance of a license. Stull, Goodman, Scott, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

APPROVAL OF MINUTES OF THE MEETING

Goodman moved, seconded by Scott, to approve the minutes of the meeting for March 11, 2016, as presented. Voting aye: Scott, Stull, Goodman, Bittles and Higgins. Voting nay: none. Absent: Henkenius, Smith and Howorth. Motion carried.

PHARMACEUTICAL CARE AGREEMENTS

Smith moved, seconded by Goodman, to go into closed session at 12:08 p.m. for the purpose of discussion. Voting aye: Scott, Stull, Goodman, Henkenius and Smith. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

Goodman moved, seconded by Stull, to open the session at 12:10 p.m. Voting aye: Scott, Stull, Goodman, Smith and Henkenius. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried.

The Board has no comments or concerns with the agreements.

PRESCRIBING GUIDELINES REVIEW

The Board reviewed the information and asked for it to be brought back to the June meeting for further discussion.

COURSE APPROVAL

The Board approved the courses.

CRYOTHERAPY

The Board asked for an opinion from the Physical Therapy Board. Generally, the board indicated in the interest of protection of the public, cryotherapy should be performed by a licensed professional, the question is which profession is more appropriate.

FSMB ANNUAL CONFERENCE UPDATE

Merle Henkenius and Dr. Stull provided an overview of the conference attended in April. Hot topics were social media, telemedicine, medical marijuana, the licensure compact and naturalpathic seems to be a growing group.

ADJOURNMENT

There being no further business, Goodman moved, seconded by Scott, to adjourn the meeting at 12:52 pm. Voting aye: Scott, Stull, Henkenius, Goodman and Smith. Voting nay: none. Absent: Bittles, Higgins and Howorth. Motion carried

Respectfully submitted,

signature available upon request

Todd Stull, Secretary
Board of Medicine and Surgery